this perplexing question by holding that there could be no eviction where the tenant thereafter continued in the occupation of the premises. *Beecher* v. *Duffield,* 97 Mich. 423; *Taylor* v. *Finnegan,* 189 Mass. 568.

LIMITATIONS, STATUTE OF—FRAUD AS REPLY TO PLEA OF THE STATUTE NOT AVAILABLE AT LAW.—In an action at law by the assignees of the pledgor against the pledgee, whose debt had been paid, to recover the purchase money paid to the pledgee by the purchaser of the pledged stock, the evidence showed that the plaintiff had several times requested the pledgee to turn over possession of the stock to him, but instead of informing the plaintiff of the sale, the pledgee stated that the stock was in his possession and he would turn it over as soon as he could find the certificates. When the plaintiff learned of the sale he brought this action, and the defendant pleaded the Statute of Limitations. Plaintiff replied that defendant was estopped to plead the Statute of Limitations by his fraudulent concealment of the accrual of the cause of action. *Held,* (five judges dissenting) the defendant could not be estopped by fraudulent concealment to plead the Statute of Limitations, in a court of law, but that an estoppel of this nature was available only in a court of equity as a ground for relief against the prosecution of the action at law. *Freeman* v. *Conover* (N. J., 1920) 112 Atl. 324.

The question in this case is whether or not, in an action at law, fraud is a proper matter of reply to a plea of the Statute of Limitations. The weight of authority is that fraud is a good reply and operates as an estoppel against the defendant pleading the statute. *Holman* v. *Omaha & C. B. Ry. & Bridge Co.,* 117 Ia. 268; *Missouri, etc. Ry.* v. *Pratt,* 73 Kan. 210; *Oklahoma Farm Mortgage Co.* v. *Jordan,* 168 Pac. 1029; *Baker-Mathews Mfg. Co.* v. *Grayling Lumber Co.,* (Ark.) 203 S. W. 1021; *City of Fort Worth* v. *Rosen,* (Tex.) 203 S. W. 84. *Contra,* see *Pietsch* v. *Milbrath,* 123 Wis. 647; *St. Joseph & G. I. Ry. Co.* v. *Elwood Grain Co.,* (Mo.) 203 S. W. 680; *Harper* v. *Harper,* 252 Fed. 39.

MINIMUM WAGE ACT—NOT INVALID BECAUSE NO PROVISION IS MADE FOR NOTICE TO EMPLOYERS.—Under an act making it unlawful to employ women in any industry at wages inadequate for maintenance, the Industrial Welfare Commission ordered the minimum wage in the public housekeeping industry to be raised to eighteen dollars per week. Plaintiffs, operators of large hotels, contended that the act was void in making no provision for notice to persons affected. *Held,* under its police power the legislature, through the Commission, can take away without notice whatever rights the employers have to employ women and minors, since they have no vested right to employ them. *Spokane Hotel Co.* v. *Younger,* (Wash., 1920), 194 Pac. 595.

Plaintiffs did not venture to question the ability of the Legislature under its police power to pass a minimum wage act; its constitutional right to do this seems to have been settled once for all by the case of *Stettler* v. *O'Hara,* 69 Ore. 519, which was sustained by the Federal Supreme Court in 243 U. S. 629. The contributions made by *Spokane Hotel Co.* v. *Younger* to the law of the subject seem simply to be that such acts do not need to make provision

for notice and a hearing, as did the Oregon statute; since employers have no vested right to employ women and minors. This view would seem to accord with Judge Cooley's definition of a vested right quoted in *Pearsall* v. *Great Northern Ry.*, 161 U. S. at 673, as the right to enjoyment, present or prospective, that has become the property of some person or persons as a present interest. The court's further holding that the power delegated to the Commission by the Legislature was purely administrative seems based on principles equally obvious. The legislature itself had settled the only question of policy involved, that is that an amount adequate for maintenance should be established as a minimum wage. There is ample authority to establish the principle that it could delegate to a commission the administrative duty of determining the fact of what amount would be adequate for maintenance and provide that upon the establishment of this fact the law should be operative, *Field* v. *Clark*, 143 U. S. at 692.

MUNICIPAL CORPORATIONS—POWER TO ACT AS TRUSTEE—BURIAL LOT.—A bequest was left to a town on condition that the town care for a cemetery lot in which testator's family lay buried. Upon petition by the executor for a construction of the will, *held*, that the bequest created a valid trust which the town had authority to accept. *Petition of Tuttle*, (N. H., 1921) 112 Atl. 397.

A municipal corporation may take and hold property as a gift or devise from an individual in trust for specified purposes when the trust created is germane to the purposes for which the corporation was organized, and when the administration of the trust and the liabilities which it may impose are not foreign to the declared objects of the corporation. *Hatheway* v. *Sackett*, 32 Mich. 97. Justice Story's opinion in *Vidal* v. *Girard's Executors*, 2 How. (U. S.) 127, is particularly clear on this point. Historically, bequests to cities for trust purposes have long been recognized. One of the earliest of these gifts in this country is that of Dr. Franklin to the cities of Philadelphia and Boston, where the fund was used to help young married artificers. Gifts to charitable uses are highly favored and liberally construed to accomplish the intent of the donor. *Woodruff* v. *Marsh*, 63 Conn. 125; *Harrington* v. *Pier*, 105 Wis. 485. A bequest to a city as a trust to provide for the education of the poor was upheld in *McDonogh* v. *Murdock*, 14 U. S. 732. Bequests have also been upheld for beautifying public grounds, and for establishing hospitals. *Penny* v. *Croul*, 76 Mich. 471; *Dykeman* v. *Jenkins*, 179 Ind. 549. The care of cemeteries has generally been recognized as a proper municipal function within the public health duties of a city. *Davorck* v. *Moore*, 105 Mich. 120. The rule against perpetuities does not apply to gifts for charitable uses. *Mills* v. *Davison*, 54 N. J. Eq. 659. A perpetual trust cannot be created for an individual and his heirs in succession, forever; and it is here that a charity differs, for a trust may be established which contemplates the payment of the income of a certain fund to some charitable purpose forever. 2 PERRY ON TRUSTS, 687. The power of the legislature to alter and abolish municipal corporations is not defeated by the circumstances that the city is a trustee of a charity, or of other private rights and interests. 1 DILLON 181. See 14 L. R. A. (N. S.) 49; 10 MICH. L. REV. 31, 120.